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CLERK U.S. DIST. COURT
SOUTHERN DISTRICT OF CALIFORNIABY LS DEPUTY

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Attorneys for Plaintiff

7 SHELTER ISLAND YACHTWAYS, LTD.
 8 a California Limited Partnership,
 9 dba SHELTER ISLAND BOATYARD

10 **UNITED STATES DISTRICT COURT**
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

'07 CV 2015 DMS WMc

12 SHELTER ISLAND YACHTWAYS, LTD., a
 13 California Limited Partnership dba SHELTER
 14 ISLAND BOATYARD,

Plaintiff,

v.

15 M/Y SUNDANCE, Official No. 521498, A
 16 HATTARAS MOTORYACHT OF
 17 APPROXIMATELY 33 FEET IN LENGTH
 18 AND 12 FEET IN BEAM, AND ALL OF HER
 19 ENGINES, TACKLE, ACCESSORIES,
 20 EQUIPMENT, FURNISHINGS AND
 21 APPURTENANCES, *in rem*,

Defendant.

Case No.

IN ADMIRALTY

EX PARTE APPLICATION FOR
 ORDER AUTHORIZING
 ISSUANCE OF A WARRANT FOR
 ARREST OF DEFENDANT
 VESSEL

IN ADMIRALTY

F.R.C.P. Supplemental Admiralty
 Rules C and E.

46 U.S.C. Sections 30101-31343

22 Plaintiff SHELTER ISLAND YACHTWAYS, LTD, a California Limited Partnership,
 23 dba SHELTER ISLAND BOATYARD (hereinafter "PLAINTIFF") by and through its
 24 attorneys, respectfully requests that this Honorable Court issue an Order authorizing the
 25 immediate issuance of a Warrant for Arrest for the arrest of the DEFENDANT VESSEL
 26 M/Y SUNDANCE, Official No. 521498, a Hattaras Motoryacht of approximately 33 Feet in
 27 Length and 12 Feet in Beam, AND ALL OF HER ENGINES, TACKLE, ACCESSORIES,

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1 EQUIPMENT, FURNISHINGS AND APPURTENANCES ("DEFENDANT VESSEL"),
2 and in support thereof, represents as follows:

3 1. The within action is an action *in rem* for satisfaction of PLAINTIFF's maritime
4 liens, which are based both on torts and debts of the DEFENDANT VESSEL, including ones
5 premised on trespass, fraud in the inducement, breach of implied maritime contract for
6 necessities and quantum meruit.

7 2. The Verified Complaint and the Declaration of Philip E. Weiss demonstrate the
8 within action is one properly within admiralty jurisdiction, as it is based principally on
9 PLAINTIFF's maritime liens, which encumber the *in rem* DEFENDANT VESSEL.

10 3. The Supplemental Rules for Admiralty and Maritime Claims, as amended,
11 effective August 1, 1985, require judicial scrutiny of the Complaint to authorize the issuance
12 of a Warrant of Arrest, as well as provision of notice of the arrest so as to permit the owner
13 or other interested person an opportunity for prompt post-seizure hearing, if requested by
14 them.

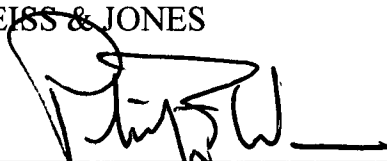
15 WHEREFORE, plaintiff prays that an Order issue authorizing a Warrant for the Arrest
16 of the DEFENDANT VESSEL, and providing for a prompt post-seizure hearing, if requested
17 by defendants, pursuant to the Supplemental Admiralty Rules, as amended.

18
19 DATED: October 17, 2007

Respectfully submitted,

WEISS & JONES

21
22 By


Philip E. Weiss, Esq.
Attorney for Plaintiff
SHELTER ISLAND YACHTWAYS, LTD,
a California Limited Partnership,
dba SHELTER ISLAND BOATYARD